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NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

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RON CURRY
Secretary
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Deputy Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

November 18, 2009

Mr. Timothy E. Eastep, Manager
Environment, Land & Water Department
Freeport-McMoRan Copper & Gold Inc.
Chino Mines Company
P.O. Box 7
Hurley, New Mexico 88043



RECEIVED
2009 NOV 21 PM 5:16
SUPERFUND DIV.
REMEDIAL BRANCH
(6SF-R)

RE: Submittal of draft Remedial Investigation Proposal
Lampbright Investigation Unit (LIU)
Chino Administrative Order on Consent (AOC)

Dear Mr. Eastep:

The Ground Water Quality Bureau of the New Mexico Environment Department (NMED) received the Freeport-McMoRan Chino Mines Company (Chino) letter dated October 19, 2009 requesting an extension of the due date for the LIU, Remedial Investigation (RI) Proposal and proposed a meeting to discuss potential AOC and Discharge Permit overlaps.

NMED sent Chino an approval letter, dated October 20, 2009, granting an extension of the due date for submittal of the LIU, RI Proposal. NMED also met with Chino, to discuss their concerns on November 4, 2009, as requested.

The first issue discussed at the meeting was the LIU boundary. NMED interprets the AOC, Definition and Statement of Work, Description of the LIU boundary as including T17S, R11W, Sections 30 and 31 and T17S, R12W, Sections 23, 24, and 25. As discussed at the November 4, 2009 meeting, this is the initial area of investigation; the area may be expanded if contamination is found to extend beyond that boundary as per the AOC, Statement of Work, Section 1.1.

The second issue discussed was the possible overlap of Reservoir 5, a surface water impoundment, and the adjacent historic waste rock pile investigation under the Stage 1 Site-wide Abatement Plan with future AOC activities. Chino proposed remediation of the area under a Discharge Permit rather than under the AOC. NMED agrees that this is an option.

Chino may propose a reclamation plan (Remedial Action Work Plan) in the DP-459 renewal application, due in February 2010, to address Reservoir 5 and the adjacent historic waste rock pile. Reclamation shall be completed within the term of the DP-459 renewal. If Chino agrees to this reclamation approach to protect public health and welfare and the environment, NMED will not require further investigation and possible remediation of T17S, R12W, Sections 23 and 24 under oversight of the AOC; however, the area reclaimed will be detailed in the LIU Record of Decision.

Chino shall submit the LIU draft RI Proposal, addressing the remaining area listed above, to NMED within the next ninety days or by February 18, 2010. Please include an electronic compilation of data pertinent to the LIU investigation in an effort to help identify data gaps.

If you have any questions, please contact me at 388-1934.

Sincerely,



Phil Harrigan, Chino AOC Project Manager
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
Silver City Field Office

cc: Mary Ann Menetrey, NMED
Jerry Schoeppner, NMED
Kurt Vollbrecht, NMED
Mark Purcell, USEPA
Ralph Perona, Neptune and Company (via email)
Mark Lewis, Formation Environmental (via email)
Chris Eustice, MMD (via email)